

**33392**

**SERVICE DATE - MARCH 7, 2003**

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**STB Docket No. AB-846X**

**Illinois Indiana Development Company, LLC - Abandonment Exemption - in LaPorte County,  
IN**

**STB Docket No. AB-344 (Sub-No. 2X)**

**Chicago Southshore & South Bend Railroad - Discontinuance of Service Exemption - in  
LaPorte County, IN**

**BACKGROUND**

In this proceeding, Illinois Indiana Development Company, LLC (IIDC) and Chicago Southshore & South Bend Railroad (CSS) have filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for IIDC to abandon and CSS to discontinue service over a rail line in LaPorte County, Indiana (IN). The subject rail line spans 0.6 miles from Milepost 157.9, near Dickson Street, northwest across Trail Creek to approximately Milepost 158.8, near U.S. Highway 12 in Michigan City, LaPorte County, IN. A map depicting the rail line in relationship to the area served is appended to this report. If the notice becomes effective, IIDC and CSS would be able to abandon and discontinue service on the line, respectively. IIDC would also be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way (ROW).

**DESCRIPTION OF THE LINE**

According to IIDC and CSS (collectively, “applicants”), there has been no originating or terminating rail traffic on the subject line for the past two years, and overhead traffic, if any, can be rerouted over other lines.

The rail line is located in Michigan City, IN, which has a population of approximately 35,000. The only structure on the rail line is a bridge located at approximately Milepost 158.13. The bridge is approximately 60 feet long and is believed to have been built in 1928. There are two at-grade public

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road crossings at Dickson Street and 8<sup>th</sup> Street. The width of the ROW is approximately 100 feet and nearby land use is industrial. In the notice, IIDC stated an intent to donate approximately half of the ROW, including the bridge, to Michigan City for public use. IIDC noted that the remainder of the ROW is not likely suitable for public use.

The historic records of the line are incomplete. IIDC believes that the line was originally constructed in the late 19<sup>th</sup> Century by the Wabash Railroad. At a later date, the line was acquired by the Norfolk and Western Railroad, which later became part of Norfolk Southern. IIDC acquired the subject line from Norfolk Southern in February, 2000.

## **ENVIRONMENTAL REVIEW**

The applicants submitted environmental and historical reports that indicate that the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities. The applicant served these reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The State Conservationist with the U.S. Department of Agriculture, Natural Resources Conservation Service has stated that the proposed abandonment would not result in the conversion of any prime farmland.

The U.S. Army Corps of Engineers had not responded to the environmental report at the time this EA was prepared. However, because IIDC intends to leave the bridge at Trail Creek intact, and does not anticipate that any salvaging activities would occur within wetlands or Trail Creek, the proposed abandonment would not be expected to require the dredging or filling of any waters of the U.S. including wetlands, or require a permit under Section 404 of the Clean Water Act (33 U.S.C. 1344).

The U.S. Environmental Protection Agency Region 5 (EPA) declined to comment on the proposed abandonment. The EPA stated that it does not comment on abandonment proposals that appear routine in nature (i.e.; abandonments that are not expected to result in significant impacts or controversy).

The U.S. Fish and Wildlife Service - Bloomington Field Office (USFWS) noted that the

proposed abandonment is located within the range of the Federally-endangered Indiana bat (*Myotis sodalis*) and Federally-threatened bald eagle (*Haliaeetus leucocephalus*). USFWS added, however, that the abandonment would not likely result in adverse effects to either species.

The IN Department of Natural Resources - Division of Water - Environmental Unit (IDNR) reviewed its Natural Heritage Program data and did not identify any Federal or state threatened, endangered or rare plant or animal species in the vicinity of the proposed abandonment. IDNR also noted that prior approval would be required for any work within the floodway of Trail Creek. IIDC noted that does not intend to remove the Trail Creek bridge and does not anticipate the need for construction, excavation or fill activity within Trail Creek or its floodway.

The USFWS and IDNR also recommended several measures to avoid or minimize impacts to wildlife and habitat. These measures included:

- Minimize tree clearing and avoid disturbance for access to work areas.
- Avoid discharge of demolition debris, waste materials, or other pollutants into streams, riparian areas or wetlands.
- If earthmoving is required, implement appropriate erosion and sediment control measures to contain disturbed soils and prevent runoff from entering waterways or wetlands, and revegetate bare and disturbed areas with a mixture of grasses and legumes.
- If bridge removal is proposed, avoid work in Trail Creek during the primary fish spawning season (April 1 - June 15).

The applicants have stated that they do not currently intend to engage in activities that would necessitate these measures (i.e., tree clearing, earthmoving, work in Trail Creek or wetlands, or removal of the Trail Creek bridge). However, to ensure that the concerns of the USFWS and IDNR are adequately addressed, we have recommended a condition that requires the applicants to consult with both the USFWS and IDNR prior to commencing salvaging activities.

The applicants are not aware of any hazardous waste sites or sites where there have been known hazardous materials spills within the ROW.

The National Geodetic Survey (NGS) did not respond to the environmental report. A lack of response from the NGS indicates that there are no geodetic station markers on the subject rail line that could be adversely affected by the proposed abandonment.

Because traffic has not moved on the subject rail line for the past two years, the proposed abandonment would not be expected to impact the development, use and transportation of energy resources or recyclable commodities, or result in the diversion of rail traffic to truck traffic that could result in impacts to air quality or the local transportation network.

Based on documentation provided by the applicants, the IN Department of Natural Resources - Division of Historic Preservation and Archaeology (the State Historic Preservation Office or SHPO) did not identify any historic buildings, structures, districts, objects or archaeological resources listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects.

Furthermore, based on the documentation provided by the applicants, consultation with appropriate parties including the SHPO, and all applicable material to date, SEA concludes that the proposed rail line abandonment would not affect historic properties listed or eligible for inclusion in the National Register of Historic Places. Therefore, a National Historic Preservation Act Section 106 condition need not be imposed on this proposed abandonment. All applicable materials to date, including the applicants' environmental report, the SHPO response letters, and this EA have been placed in the public docket for public review. This EA is also available for public review on the Board's website ([www.stb.dot.gov](http://www.stb.dot.gov)).

## **CONDITIONS**

We recommend the following environmental condition be placed on any decision granting abandonment authority:

1. Once salvaging plans are finalized and prior to the commencement of salvaging activities, the applicants shall consult with the U.S. Fish and Wildlife Service - Bloomington Field Office and the Indiana Department of Natural Resources - Division of Water - Environmental Unit on the need to implement mitigation measures. The results of these consultations shall be reported to the Board.

## **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude that, as currently proposed, abandonment of the line would not significantly affect the quality of the human environment.

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Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and, therefore, no change in operations), discontinuance of service without abandonment and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

### **PUBLIC USE**

If abandonment and salvage of the rail line do take place, the ROW may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Surface Transportation Board and served on the railroad within the time specified in the Federal Register notice.

### **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Surface Transportation Board, with a copy to the railroad, within 20 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. This request must comply with the Board's rules for use of ROWs as trails (49 CFR 1152.29).

### **PUBLIC ASSISTANCE**

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at 202-565-1592 or mail inquiries to the Surface Transportation Board, Office of Public Services, Washington, DC 20423.

### **ENVIRONMENTAL COMMENTS**

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of David Navecky, who prepared this environmental assessment. **Please refer to STB Docket No. AB-846X and STB Docket No. AB-344 (Sub-No. 2X) in all correspondence addressed to the**

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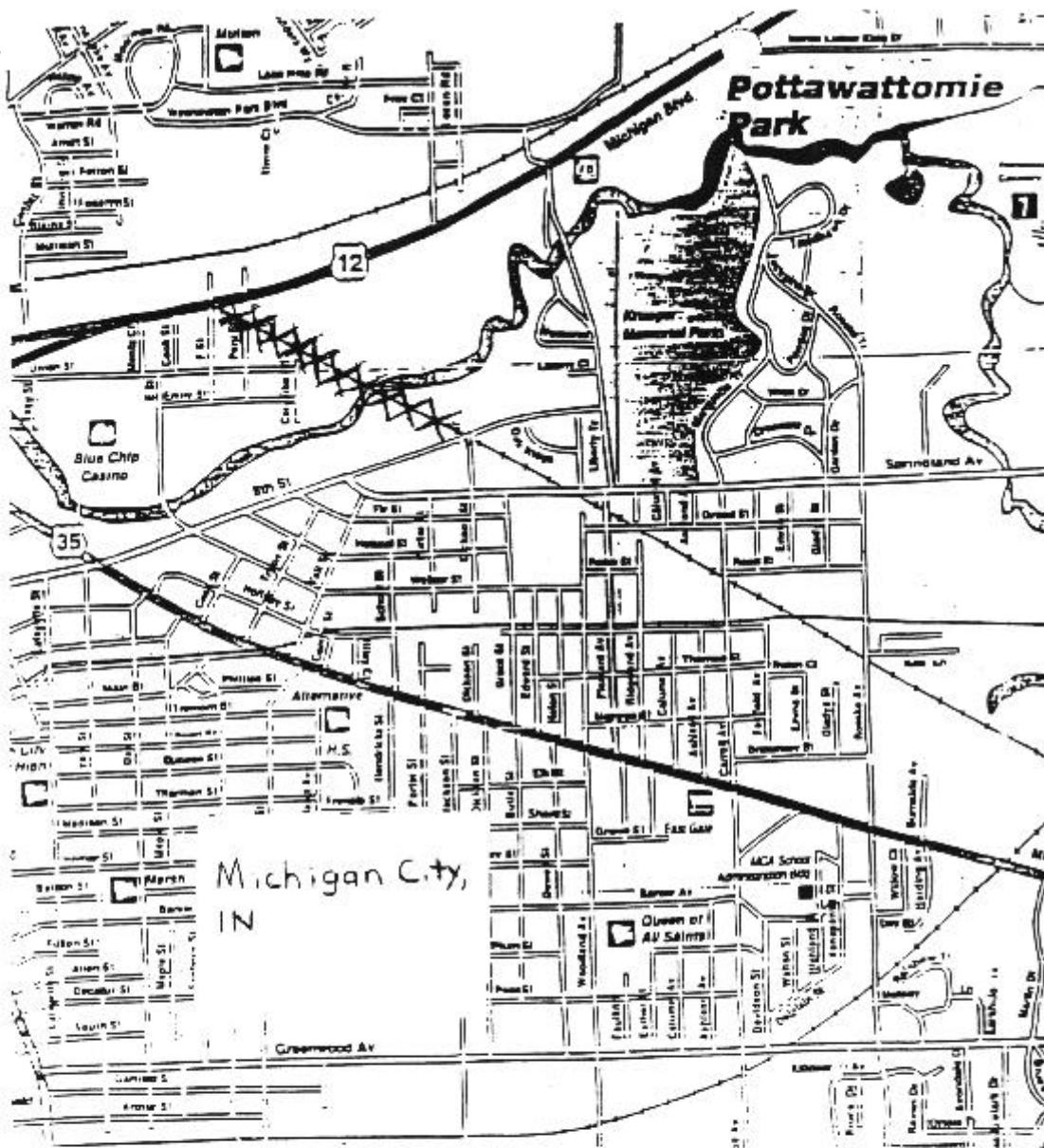
**Board. Questions regarding this environmental assessment should be referred to David Navecky at 202-565-1593 (naveckyd@stb.dot.gov).**

Date made available to the public: March 7, 2002.  
Comment due date: **March 21, 2003**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

Attachment



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